

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

**JAMES WILLIAMS, DECEASED, BY
AND THROUGH MARGIE WILLIAMS,
AS ADMINISTRATRIX OF THE
ESTATE AND ON BEHALF OF THE
WRONGFUL DEATH BENEFICIARIES
OF JAMES WILLIAMS, DECEASED,**

PLAINTIFFS,

VS.

CIVIL ACTION NO. 4:04CV116-P-B

**NED HOLDER, INDIVIDUALLY AND
IN HIS OFFICIAL CAPACITY AS
SHERIFF OF SUNFLOWER COUNTY,
MISSISSIPPI; SUNFLOWER COUNTY,
MISSISSIPPI; JAMES MOORE,
INDIVIDUALLY AND IN HIS OFFICIAL
CAPACITY AS SUNFLOWER COUNTY
JAIL ADMINISTRATOR; BOBBIE PATTON,
INDIVIDUALLY AND AS DEPUTY SHERIFF
OF SUNFLOWER COUNTY, MISSISSIPPI;
AND JOHN DOE(S), INDIVIDUALLY AND
AS DEPUTY SHERIFF OF SUNFLOWER
COUNTY, MISSISSIPPI,**

DEFENDANTS.

ORDER

This matter comes before the court upon Defendants' Motion for Summary Judgment [50-1]. Upon due consideration of the motion and the responses filed thereto, the court finds as follows, to-wit:

After viewing the facts in a light more favorable to the plaintiffs, the court concludes that the defendants have not met their burden in proving the lack of a genuine issue of material fact. In other words, the court has not been convinced that trial is unnecessary in this case. Accordingly, the motion for summary judgment is not well-taken and should be denied.

IT IS THEREFORE ORDERED AND ADJUDGED that Defendants' Motion for Summary Judgment [50-1] is hereby **DENIED**.

SO ORDERED this the 25th day of May, A.D., 2005.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE